

JUDGE FURMAN

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

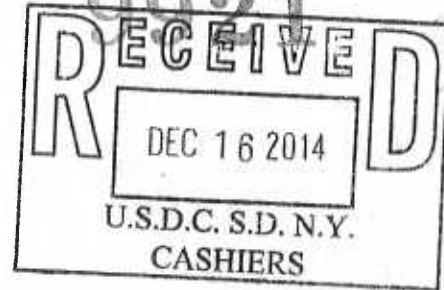
ALEJANDRA SOTA MIRAFUENTES

Plaintiff,

v.

FORBES MEDIA, LLC, FORBES.COM, LLC,  
NSGV, INC., and DOLIA ESTEVEZ,

Defendants.



COMPLAINT

**JURY TRIAL DEMANDED**

1. This is an action for libel under the common law and laws of New York arising from Defendants' false, defamatory, and malicious publications concerning Alejandra Sota Mirafuentes. Ms. Sota, through her undersigned attorneys, Boies, Schiller & Flexner LLP, seeks permanent injunctive relief and both compensatory and exemplary damages and alleges as follows, based on facts as to herself and upon information and belief as to others.

### INTRODUCTION

2. Alejandra Sota is a citizen of Mexico who devoted twelve years of her life to public service. Through hard work, she rose up through the ranks to become the spokesperson for the former President of Mexico, Felipe Calderón.

3. Only one woman had ever held that position before Ms. Sota, and Ms. Sota was widely recognized as one of the most influential leaders in Mexico.

4. With Ms. Sota as a spokesperson and a trusted advisor to President Calderón, the Calderón administration took many steps to tackle corruption and crime in Mexico and also to challenge the power wielded by media conglomerates operating in Mexico.

5. After the Calderón administration ended in December 2012, Ms. Sota set out to build a communications consulting business based on her proven expertise and her reputation.

6. Ms. Sota used the money she saved over her many years of public service to cover the cost of opening a small office and other start-up costs. Based on a carefully prepared business plan, and working with a small team, Ms. Sota set out to build relationships with clients and establish a successful company.

7. Ms. Sota also enrolled in a graduate program at the John F. Kennedy School of Government at Harvard University to advance her skills and understanding, interact with other public servants and leaders from around the world, and further develop her reputation and business.

8. Ms. Sota's efforts to build her reputation and business were undermined by a malicious campaign to discredit her and destroy her reputation.

9. On December 16, 2013, citing undisclosed sources, Forbes correspondent Dolia

Estevez posted an article on the Forbes.com website that falsely and maliciously identified Ms. Sota as one of the “10 Most Corrupt Mexicans Of 2013” (the “Article”). A copy of the Article is attached to and made part of this complaint as Exhibit 1.

10. Ms. Sota’s inclusion in the Article was criticized as “bizarre” by one online journal that has been cited as an authority by the New York Times and academic articles. Forbes was also criticized in the comments section of the Article for failing to fact check the Article because Ms. Estevez made a mistake citing one study—a mistake that an “EDITOR’S NOTE” acknowledged at the end of the Article.

11. As explained herein, Ms. Estevez published the Article as part of a campaign against Ms. Sota that began with Mexican media conglomerate MVS, where MVS wanted but did not get a sweetheart deal from the Calderón administration.

12. Ms. Estevez had for many years worked for MVS, and Ms. Estevez included Ms. Sota in the Forbes Article because Ms. Sota and the Calderón administration had refused to provide MVS with a low-price renewal deal for a valuable spectrum license.

13. The Forbes Article was part of a campaign by MVS, MVS correspondent Ms. Estevez, and others to exact revenge on and to discredit Ms. Sota by using a respected U.S. publication with a worldwide readership to accuse Ms. Sota of corruption and associate Ms. Sota with criminals.

14. Ms. Sota’s inclusion in the Article was completely unjustified, and the Article was an act of retaliation against Ms. Sota for defending the public policies implemented during the Calderón’s administration, including the decision to not renew the expired concession of the 2.5GHz band to MVS.

15. Ms. Estevez and Forbes knew that Ms. Sota was not corrupt, and they certainly knew she was not one of the top ten most corrupt Mexicans in 2013 (or in any other year). The accusation in the Article was false, and there was no justification for the decision by Ms. Estevez and Forbes to attack Ms. Sota’s reputation in that Article.

16. Previously ranked as one of the most influential leaders in Mexico in 2012, Ms.

Estevez and Forbes presented Ms. Sota as one of the most corrupt people in a country that had been ranked one of the most corrupt countries in the world, listing her with individuals convicted of or under indictment for crimes of the worst sort, including murder, working with drug cartels, embezzling tens of millions of dollars of public funds and the like.

17. Without any justification, Ms. Estevez and Forbes presented Ms. Sota as one of the most corrupt individuals on a global scale. This was a cynical act of revenge, punishing Ms. Sota for her courage and for having expressed her opinions while in public office.

18. On December 15, 2016, Ms. Estevez and Forbes posted an updated version of the Article on the Forbes.com website (attached to and made part of this complaint as Exhibit 2 and referred to herein as the “Updated Article”) in which they noted that Ms. Sota had been “cleared” months earlier in the investigation cited in the Article.

19. The Updated Article continues to list Ms. Sota as one of the most corrupt Mexicans, simply ignoring the fact that the only real reason for listing Ms. Sota in the first place was the investigation, which resulted in no finding of any wrongdoing by Ms. Sota. The decision by Forbes and Ms. Estevez to continue to list Ms. Sota, in spite of that favorable outcome, is completely unjustified and reflects actual malice by both Forbes and Ms. Estevez.

20. The false and defamatory Article has caused severe harm to Ms. Sota, and that harm is ongoing due to the false and defamatory Updated Article.

21. Ms. Sota brings this action to restore her reputation and to obtain relief from Forbes and Ms. Estevez for the significant harm she has suffered and continues to suffer as a result of their defamatory, malicious, and intentionally reckless conduct.

#### **THE PARTIES**

22. Plaintiff Alejandra Sota Mirafuentes is a Mexican citizen and a resident of Mexico City, Mexico. She is the former spokesperson for Mexican President Felipe Calderón.

23. Defendant NSGV, Inc., formerly known as Forbes, Inc., is a New York company with its principal place of business at 60 5<sup>th</sup> Avenue, New York, New York 10011.

24. Defendant Forbes Media, LLC is a Delaware company with its principal place of



business at 60 5<sup>th</sup> Avenue, New York, New York 10011. Forbes Media, LLC publishes Forbes magazine and the website Forbes.com.

25. Defendant Forbes.com, LLC, (together with NSGV, Inc. and Forbes Media, LCC, “Forbes”) is a New York company. Forbes.com, LLC is part of Forbes Digital, a division of Forbes Media, LLC.

26. Forbes owns and publishes content on the website Forbes.com, which reportedly had 45 million unique visitors in January 2013. Forbes published the Article and the Updated Article.

27. Defendant Dolia Estevez is a citizen or legal permanent resident of the United States and resides in Virginia. Ms. Estevez is a Forbes contributor, who regularly publishes content on the Forbes.com website, and is also a correspondent for Noticias MVS. Forbes.com contributors such as Ms. Estevez are paid by Forbes based on traffic to their Forbes.com pages. With Forbes, Ms. Estevez authored and published the Article and the Updated Article.

#### **JURISDICTION AND VENUE**

28. This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332 in that the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between a citizen of Mexico, which is a foreign state, and U.S. citizens or citizens and a U.S. legal permanent resident.

29. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to the claims occurred in this district. Venue is also proper in this Court, pursuant to 28 U.S.C. § 1391(b)(3), because NSGV, Inc., Forbes Media, LLC, and Forbes.com, LLC, are subject to the Court’s personal jurisdiction with respect to this action.

#### **FACTUAL ALLEGATIONS**

##### **Ms. Sota’s Public Service**

30. In 1995, Ms. Sota became a student at Instituto Tecnológico Autónomo de México (“ITAM”), a university in Mexico City, where she studied political science.

31. In 1997, while Ms. Sota was still a student, Ms. Sota was offered a position working as a political analyst for the National Action Party (the Partido Acción Nacional, or “PAN” by its Spanish acronym), one of the major Mexican political parties.

32. In 2000, Vicente Fox was elected President of Mexico. Fox was the PAN candidate, and he was the first candidate of any party to defeat the Institutional Revolutionary Party (the Partido Revolucionario Institucional, or “PRI” by its Spanish acronym) in a presidential election in over 70 years.

33. In 2001, while she was still enrolled in college, Ms. Sota was appointed the Chief of Staff of the National Institute for Women (INMUJERES), where she helped design gender equality public policies within the federal government.

34. In 2002, the PAN legislative leader, Felipe Calderón, asked Ms. Sota to come work for him in the legislature, and Ms. Sota agreed.

35. Ms. Sota put her studies at ITAM on hold because she was committing a lot of her time to public service, and her father had a medical condition and was no longer able to work. Since then, Ms. Sota has helped her mother financially.

36. In 2004, Ms. Sota began to coordinate Mr. Calderón’s presidential campaign, serving as Director of Public Opinion for his pre-campaign.

37. In 2006, Mr. Calderón won the election and became President of Mexico, and Ms. Sota joined his administration as the General Coordinator of Image and Public Opinion (in Spanish, Coordinadora de Imagen y Opinión Pública).

38. During the Calderón administration, which spanned from December 2006 to November 2012, Ms. Sota held various communications-related positions. In addition to acting as President Calderón’s official spokesperson, Ms. Sota also served as the General Coordinator of Media and Communications and as the National Security Spokeswoman.

39. Ms. Sota was the first person to ever hold all three of those positions in any administration and only the second woman in Mexican history to hold the position of presidential spokesperson.

40. During her twelve years of public service, Ms. Sota rose up through the ranks on the merits, because her work was of a high quality.

41. Based on her public service in the Calderón administration, Ms. Sota was identified as one of the 300 most influential leaders in Mexico for 2012.

42. President Calderón and members of his administration, including Ms. Sota, sought to address some of the entrenched problems that had hindered Mexico's growth, including corruption and monopolization.

43. The Calderón administration pushed anti-corruption initiatives that both increased enforcement of existing laws and strengthened Mexico's anti-corruption legal framework.

44. Among other legislation, in 2011, Mexico's legislature passed President Calderón's Federal Anti-Corruption in Government Contracting Initiative, which instituted steep fines for corrupt government contracting activities.

45. President Calderón's efforts to combat corruption earned him praise from the International Chamber of Commerce and the B20 Working Group on Improving Transparency and Anti-Corruption, which wrote President Calderón a letter in June 2012 stating: "The business community would like to acknowledge your unfailing support in the fight against corruption and to express sincere appreciation for the excellent example you display to other Heads of State."

46. President Calderón received praise from both President Bush and President Obama in connection with his efforts to address these issues and to improve life in Mexico.

47. Under Calderón's administration, Mexico also increased transparency by amending its Freedom of Information Act and reforming the Mexican Constitution to secure public access to information.

48. President Calderón also fought to increase competition and curb the power of major corporations that controlled various markets.

49. In 2010, President Calderón proposed a ten-point plan to boost the regulatory power of the anti-monopoly agency (Comision Federal de Comptencia) and to punish antitrust

violations with fines and prison.

50. President Calderón and members of his administration, including Ms. Sota, stood up to Mexico's corporate interests when those interests were in conflict with the common good and modernizing the economy.

**Ms. Sota's Communications Consulting Business**

51. When the Calderón administration ended in late 2012, Ms. Sota set out to establish and build a business based on her reputation and expertise, which would offer communication strategies and other related services.

52. In late 2012 and early 2013, Ms. Sota and a former colleague developed a detailed business plan based on several planned lines of services, including public opinion, strategy, communications, speech writing, and international communications services. That business plan included revenue projections through 2018.

53. Ms. Sota officially founded her business on April 4, 2013. Ms. Sota received and still has a 70 percent ownership interest in that business, and her business partner received and still has the other 30 percent interest in that business.

54. Ms. Sota funded the new business with the government severance-savings benefit that she received at the end of her many years of public service, which is similar to a 401(k) and is paid out at the time of separation. Ms. Sota's business partner also obtained a loan from her mother to invest in that business.

55. In early 2013, based on her reputation and experience, Ms. Sota reasonably expected that she could and would contract with additional clients and grow the business's revenues over time, including eventually with clients outside of Mexico.

**Ms. Sota's Harvard Enrollment & Attendance**

56. In December 2012, Ms. Sota applied for admission to the Edward S. Mason Program at the Harvard Kennedy School (the "Harvard Mason Program").

57. The Harvard Mason Program offered (and still offers) a mid-career Master's degree in Public Administration, and it is the Harvard Kennedy School's flagship international



program.

58. The Harvard Mason Program webpage explains that:

Each year, approximately 80 demonstrated leaders from developing, newly industrialized and transitional economy countries participate in this intensive one-year master's degree program designed to prepare them to address the world's most compelling development challenges. The emphasis of the program is on developing the broad range of analytical and leadership skills required to initiate and implement major political, social or economic change. . . . A typical Mason class includes experienced professionals who have assumed leadership roles in education, energy, defense, housing, transportation, foreign affairs, public enterprise, rural and urban development, environmental preservation, central banking, journalism, politics and economic planning.

59. Because the Harvard Mason Program attracts students with proven leadership experience in developing nations, the admissions process is not solely focused on academics, and Harvard does not require a college degree for admission into the Mason Program.

60. The eligibility webpage for the Mason Program expressly states that waivers may be granted for applicants without a bachelor's degree.

61. In the application process, Ms. Sota sent her transcripts from ITAM, which clearly indicated she had not completed her studies and therefore did not have a bachelor's degree.

62. On April 30, 2013, Ms. Sota was admitted to the Harvard Mason Program.

63. Ms. Sota attended Harvard and sought a Harvard degree to broaden her expertise and understanding, interact with similar people from other countries, build her reputation, and establish and grow her communications consulting business.

64. Ms. Sota's business depends on Ms. Sota's reputation, and it was important for clients to see Ms. Sota as not only a key member of the Calderón administration but also as a graduate of a Harvard program that develops international leaders.

65. Because the Harvard Mason Program attracts leaders from around the world, the program provided excellent client-development opportunities for Ms. Sota, including opportunities to meet potential clients from outside of Mexico.

66. Ms. Sota worked hard to complete her studies at Harvard, and she graduated in May, 2014.

67. As described below, Ms. Sota's goal of using her time at Harvard and her Harvard degree to enhance her reputation and career was undermined by the false and defamatory Article published by Forbes and Ms. Estevez.

**The False And Defamatory Forbes Publications**

68. On December 16, 2013, Forbes contributor Dolia Estevez published an article on the Forbes.com website titled "The 10 Most Corrupt Mexicans in 2013" that included Ms. Sota. The full text of the false and defamatory Article is included in Exhibit 1.

69. On December 15, 2014, Ms. Estevez and Forbes published a version of the Article on the Forbes.com website that included an "Update" regarding Ms. Sota. The full text of the false and defamatory Updated Article is included in Exhibit 2.

70. The statements in the Article and the Updated Article by Ms. Estevez and Forbes that Ms. Sota was one of the top ten most corrupt Mexicans in 2013 was false.

71. The statements in the Article and the Updated Article that Ms. Sota was "perceived" to be one of the top ten most corrupt Mexicans in 2013 was also false.

72. Ms. Sota is not, was not, and was never perceived to be one of the top ten most corrupt Mexicans, in 2013 or in any other year.

73. With the Article, and now with the Updated Article, Forbes and Ms. Estevez conveyed and intended to convey that Ms. Sota was in fact one of the ten most corrupt Mexicans in 2013.

74. The Updated Article contains new falsehoods, the gist of which are that Ms. Sota's being "cleared" was not a valid finding by an independent, investigative body. The Updated Article states that a "now defunct entity" "cleared" Ms. Sota. In fact, the SFP, which investigated Ms. Sota and found no evidence of wrongdoing, is not defunct, and continues to combat corruption in Mexico.

75. The Updated Article's reference to "an investigation into how [Ms. Sota]

increased her assets,” within the context of the Updated Article as a whole, is to imply that Ms. Sota improperly amassed wealth during her public service. Ms. Sota did not improperly enrich herself, a fact confirmed by the SFP investigation itself.

76. The Updated Article in fact demonstrates and is proof that the Article is false or substantially false.

77. Because the Article and the Updated Article are backed by the Forbes name, and Forbes is known for publishing objective and reliable “lists”, their effect upon the average reader has been to convey that Ms. Sota was in fact one of the ten most corrupt Mexicans, and remains such today despite the fact that she was “cleared.” -This is especially true in Mexico where respected U.S.-based publications like Forbes are viewed as particularly credible and objective in comparison with often partisan local media outlets.

78. Within the context of the publication as a whole, which lists other Mexicans who are in fact corrupt, the Article’s apparent intent was to convey that Ms. Sota belonged within that cohort, and that she was one of the ten most corrupt Mexicans in 2013. The same is true in the case of the Updated Article, despite noting that Ms. Sota was “cleared.”

79. The only claimed bases for including Ms. Sota were that (1) Ms. Sota had been admitted into the Harvard Mason Program without an undergraduate degree, which was expressly permitted by Harvard and in no way reflected any corruption by Ms. Sota, and (2) Ms. Sota was under investigation in Mexico, where investigating authorities subsequently determined that there was no evidence that Ms. Sota had engaged in any improper conduct.

80. Neither the information cited in the Article nor any other information available at the time justified the decision by Ms. Estevez and Forbes to include Ms. Sota in the Article and accuse her of being one of the top ten most corrupt Mexicans in 2013 or, alternatively, of being perceived to be one of the top ten most corrupt Mexicans in 2013, or indeed to accuse her of being corrupt at all. The same is true in connection with the Updated Article.

81. Ms. Estevez and Forbes posted the Article without ever contacting Ms. Sota before publication for her views or to give her the opportunity to respond. The Article came as a



complete surprise to Ms. Sota.

82. Ms. Estevez claimed to have relied on input from some unknown number of unidentified “colleagues and academics.” As described below, upon information and belief, if such sources relative to the accusations against Ms. Sota even existed, those unidentified “colleagues and academics” were biased, Ms. Estevez knew they were biased, and Ms. Estevez’s reliance on information from those “colleagues and academics” was unjustified.

83. In the Article, Ms. Estevez referred to Transparency International’s “Global Corruption Index,” which she later changed to the “Global Corruption Barometer.” That index is a composite index, which relies on surveys and assessments of corruption collected from a variety of reputable institutions, and the citation to the index in the Article was intended to, and did, lend the Article and the accusations against Ms. Sota a false air of objective credibility.

84. On January 3, 2014, an attorney for another individual identified in the Article, Steve Zansberg, sent a letter that was then linked to the Article and is still (at the time of this filing) linked in the Updated Article. That letter asserts that the statements in the Article were true, citing *Masson v. New Yorker Magazine, Inc.*, 501 U.S. 496, 516 (1991). Mr. Zansberg defended the statements as true because the named individuals were “widely reputed” to have engaged in corruption and were “reputedly the most corrupt Mexicans in 2013.” There was and has been no assertion of defense on the basis that any of the statements are opinions.

85. The Forbes Article and the Updated Article have both defamed Ms. Sota. Ms. Estevez included Ms. Sota in a list alongside individuals who were then under indictment or had been convicted of criminal activities, including a former union leader sent to prison for embezzling; the brother of an ex-president who spent 10 years in prison; and two former governors indicted for various crimes. Currently, the United States seeks one of these governors’ extradition. The other governor has since been convicted and sent to prison in Mexico.

86. The Forbes brand and its international readership amplified the Article’s defamatory impact. Forbes is well known for compiling objective and consequential “lists” that resonate worldwide (e.g., Forbes’ “Richest People” listings), and Forbes has a good reputation in



Mexico for publishing credible and reliable content.

87. Ms. Estevez and Forbes both sought to increase distribution of and focus public attention on the Article in various ways, including through posts by Ms. Estevez and Forbes on Twitter, where they both had many followers.

88. On December 16, 2013, through her Twitter account @DoliaEstevez, Ms. Estevez posted a link to the Article, stating that this was “The 10 Most Corrupt Mexicans of 2013.” The text of that post included the following description: “Abuse of power, lack of transparency and bribery continued unabated in Mexico in 2013; the 10 most corrupt Mexicans of the year are identified for the first time.” As of December 14, 2014, Ms. Estevez’s Twitter account had 11,219 followers, and her account had thousands of followers when she posted a link to the Article.

89. On December 16, 2013, through her Twitter account @DoliaEstevez, Ms. Estevez posted another link to the Article, stating that this was “Los 10 Mexicanos Mas Corruptos en 2013.” The text of that post included the following description: “Abuse of power, lack of transparency and bribery continued unabated in Mexico in 2013; the 10 most corrupt Mexicans of the year are identified for the first time.”

90. On December 17, 2013, through its official Twitter account @Forbes, Forbes posted a link to the Article, stating “Mexico’s top ten most corrupt people of 2013.” The text of that post included the following: “Abuse of power, lack of transparency and bribery continued unabated in Mexico in 2013; the 10 most corrupt Mexicans of the year are identified for the first time.” As of December 14, 2014, Forbes’ Twitter account had over 4 million followers, and Forbes’ account had millions of followers when Forbes posted a link to the Article.

91. On December 22, 2013, through its official Twitter account @Forbes, Forbes again posted a link to the Article, stating “These are the 10 most corrupt Mexicans of 2013.” The text of that post included the following description: “Abuse of power, lack of transparency and bribery continued unabated in Mexico in 2013; the 10 most corrupt Mexicans of the year are identified for the first time.”

92. In part due to ongoing promotion and distribution by Forbes and Ms. Estevez, the Article was widely distributed and read, both in the United States and internationally. As of December 14, 2014, the Article had been viewed more than 500,000 times on the Forbes.com website.

93. The Article is the most-read post by Ms. Estevez, and it was for a time the most viewed article on Forbes's webpage. It was also widely referenced in subsequent news reporting, especially in MVS and MVS-aligned news outlets.

94. The Updated Article recognizes that Ms. Sota was "cleared" in connection with the investigation cited in the Article, but the Updated Article nonetheless continues to list Ms. Sota as one of the top ten most corrupt Mexicans in 2013.

95. Continuing to include Ms. Sota in the Updated Article is both false and defamatory, and the decision by Forbes and Ms. Estevez to continue to list Ms. Sota in the Updated Article reflects actual malice by both Forbes and Ms. Estevez.

**Actual Malice By Forbes And Ms. Estevez**

96. Ms. Estevez and Forbes published the Article and the Updated Article with actual knowledge that Ms. Sota was not, and was not perceived to be, one of the top ten most corrupt Mexicans in 2013, or at a minimum while entertaining serious doubt regarding the truth of the statements concerning Ms. Sota.

97. Discovery will reveal the full story of Forbes' and Ms. Estevez's knowledge and motivations, but the following facts establish actual malice and show that the Article and the Updated Article were posted as acts of revenge against Ms. Sota.

**Ms. Estevez's Relationship With MVS And Ms. Aristegui**

98. In the United States, Ms. Estevez is a Forbes contributor. In Mexico, she is a correspondent for Noticias MVS who regularly appears on television and radio.

99. Noticias MVS is part of MVS Comunicaciones, one of Mexico's largest media and telecommunications conglomerates (together "MVS").

100. According to her Forbes biography, Estevez is currently the “Washington correspondent for Noticias MVS, Mexico’s #1 radio news station.”

101. Ms. Estevez is a regular commentator for MVS, and Ms. Estevez was a correspondent for MVS when she prepared and published the Article.

102. When Ms. Estevez prepared and published the Article, Ms. Estevez was also a friend and colleague of MVS employee Carmen Aristegui.

103. Ms. Aristegui is a leading figure at MVS, with a national radio and television show.

104. Ms. Estevez and Ms. Aristegui have appeared together on various programs and have a long-standing relationship with each other and with MVS.

105. Ms. Estevez was receiving payments from MVS, Ms. Aristegui, and/or entities affiliated with Ms. Aristegui at that time the Article was published and also at the time that the Updated Article was published.

106. On December 17, 2013, the day after Ms. Estevez and Forbes posted the Article, Ms. Estevez appeared on Mexican television with Ms. Aristegui to discuss the Article.

107. Based on her personal and financial ties to both MVS and Ms. Aristegui, Ms. Estevez has been influenced by, and is beholden to, the interests of Ms. Aristegui and MVS at all time since before the preparation and publication of the Article, including up through the publication of the Updated Article.

MVS Dispute With Ms. Sota

108. Before the Article was published, Ms. Aristegui and MVS were engaged in a revenge-motivated character assassination campaign against Ms. Sota based on the Calderón administration’s refusal, with Ms. Sota as the spokesperson, to give MVS a low-price renewal deal for certain airwave frequencies.

109. In the 1980s, MVS was granted a “concession” from the Mexican government to use certain airwave frequencies (the “2.5GHz spectrum”) for television broadcasts. MVS did not pay a market price for the spectrum.



110. The 2.5GHz spectrum became very valuable in later years because it could (and still can) be used for high-speed data communications, including through mobile phones.

111. MVS failed to use the spectrum's full potential.

112. MVS's license to the 2.5GHz spectrum was due to expire during the Calderón administration, and MVS sought a renewal of that license.

113. MVS's owners and controlling interests expected that the Calderón administration would give MVS a cut-rate price for the valuable 2.5GHz spectrum.

114. The Calderón administration expected MVS to fairly compensate the government and the people of Mexico for the valuable 2.5GHz spectrum.

115. The Calderón administration offered MVS a license renewal at the market price, but MVS refused to pay a fair price for the 2.5GHz spectrum.

116. The Calderón administration's demand for fair payment for the 2.5GHz spectrum was part of the administration's campaign for more free and open markets in Mexico.

117. As part of its pro-competition campaign of market reforms, the Calderón administration, with Ms. Sota, put pressure on telecommunications companies, including a company that had a telecommunications joint venture with MVS.

118. Ms. Sota was a strong advocate of these reforms, and MVS was well aware of her role and her involvement in the decision to not give MVS a low-price renewal deal.

119. Joaquin Vargas, a member of the family that owned and controlled MVS, was frustrated that Ms. Sota and the Calderón administration refused to engage in the type of crony capitalism that had, for so many years, enriched his family and its allies, and he and others set out to attack and discredit Ms. Sota as a result of that frustration.

120. Ms. Estevez, Ms. Aristegui, and MVS have pursued unfounded attacks against Ms. Sota for their own financial gain and as revenge against Ms. Sota.

121. Ms. Estevez and Forbes published the Article and the Updated Article without disclosing Ms. Estevez's financial interest in destroying Ms. Sota's reputation, and without disclosing that Ms. Estevez included Ms. Sota in the Article to benefit her employer and friends.



122. The Article and the Updated Article were also acts of revenge based on Ms. Sota's public statements in response to the outrageous comments by MVS journalist Ms. Aristegui.

123. In February 2011, at the same time that the 2.5GHz spectrum negotiations were underway, Ms. Aristegui made outlandish statements about President Calderón, and she publicly challenged President Calderón to prove that he was not an alcoholic.

124. It was Ms. Sota's job to explain to the press and the public that Ms. Aristegui's accusations were false, and to correct them. Accordingly, Ms. Sota criticized Ms. Aristegui's comments as outrageous and inappropriate.

125. Outraged that Ms. Aristegui had demanded that President Calderón do the impossible and prove a negative, Ms. Sota contacted Mr. Vargas of MVS to express her outrage at Ms. Aristegui's lack of journalistic integrity.

126. Ms. Sota never requested or sought Ms. Aristegui's firing.

127. Mr. Vargas nonetheless fired Ms. Aristegui, purportedly for violating MVS's "code of ethics," with the expectation of gaining favor with Ms. Sota and the Calderón administration in connection with the 2.5GHz spectrum negotiations.

128. There was public outrage over MVS firing Ms. Aristegui.

129. Mr. Vargas realized he had gained no advantage with the Calderón administration by firing Ms. Aristegui, and he then re-hired Ms. Aristegui, two weeks after her firing.

130. After the Calderón administration ended, the new administration (which was not affiliated with Calderón's party) continued to push for MVS to give up the spectrum. The post-Calderón government recovered 68% of the disputed spectrum.

131. The current administration has still not granted MVS any renewal agreement.

132. As a result of these events, Ms. Aristegui and MVS became and to this day remain hostile to Ms. Sota and have engaged in a vendetta to discredit and harm Ms. Sota.

133. Friends of Ms. Aristegui, including reporters, and others with economic interests aligned with MVS also became hostile to Ms. Sota and have sought to discredit Ms. Sota.

134. Ms. Aristegui has publicly and falsely asserted that her firing and MVS's loss of the 2.5GHz spectrum concession are part of a conspiracy.

Ms. Estevez And Forbes Posted The Article And Updated Article Knowing They Were False

135. The Forbes Article was MVS's and Ms. Aristegui's *coup de grâce* in a campaign to discredit Ms. Sota and destroy her reputation, and that campaign has continued through publication of the Updated Article.

136. The Forbes Article was significant in part because respected, well-established publications from the United States media, such as Forbes and the New York Times, have great credibility in Mexico, and Forbes' "lists" have particular credibility internationally.

137. With Ms. Estevez and the trusted Forbes brand, Ms. Aristegui and MVS were able to exact their revenge and discredit Ms. Sota.

138. Ms. Estevez and Forbes knew at the time of publication, and have known at all times since, that Ms. Sota was not, and was not perceived to be, one of the top ten most corrupt Mexicans in 2013. Ms. Estevez and Forbes at least harbored serious doubt about the Article's veracity and the Updated Article's veracity so as to constitute reckless disregard of the truth.

139. No reasonable person could have named Ms. Sota as one of the ten most corrupt Mexicans in 2013 (or in any other year) believing it to be a true statement. In stark contrast to Ms. Sota, the others in the Article and the Updated Article constitute a rogue's gallery of figures connected with drug trafficking, murder, kidnapping, and massive embezzlement or bribery.

140. According to an online journal that has been a cited source for both the New York Times and academic articles, it was "bizarre" that Ms. Sota had been included in the Article by Ms. Estevez and Forbes.

141. One comment to the Article noted that "hard data" was "missing" in the case of Ms. Sota, confirming that there was no reasonable basis to include Ms. Sota.

142. A number of individuals also commented that there were many other Mexicans that should have been included in the Article, and there was no justification whatsoever for including Ms. Sota in the Article.

143. The day after publication of the Article, one commenter on Twitter asked Ms. Estevez and Forbes: “@DoliaEstevez @Forbes under what criteria Alejandra Sota beats Roberto Madrazo, Carlos Salinas . . . as more corrupt?”

144. Ms. Estevez herself admitted that there was an “encyclopedia” of individuals that she could have included on the list.

145. Actual malice is confirmed by Ms. Estevez’s reliance on undisclosed “colleagues and academics,” which upon information and belief, if they existed at all, were none other than Ms. Aristegui herself, perhaps in combination with Ms. Aristegui’s known friends and allies who were also seeking revenge against Ms. Sota.

146. As one of Ms. Aristegui’s colleagues and friends, Ms. Estevez was well acquainted with Ms. Aristegui’s firing and Ms. Aristegui’s hostility towards Ms. Sota, and that alone rendered Ms. Aristegui and her allies unreliable sources for the Article.

147. Ms. Aristegui reported on the Article on December 17, 2013, with Ms. Estevez, and then again on December 18 and 19, 2013.

148. If Ms. Estevez had not harbored actual malice, she would not have relied on information from such biased sources. There were many obvious reasons to doubt the truthfulness of information received from Ms. Aristegui and her allies, including the well-known and publicly reported dispute with Ms. Sota and the relationship with MVS.

149. If Ms. Estevez had not harbored actual malice, Ms. Estevez would have easily learned that Ms. Sota was admitted to Harvard through its Mason Program, which is designed to ensure the Kennedy School’s classes includes students with real-world policy experience in less-developed countries—not just those with undergraduate degrees.

150. If Ms. Estevez had not harbored actual malice, Ms. Estevez also would have amended the Article prior to December 15, 2014 to at least note that the investigation of Ms. Sota, cited in the Article, ended in May 2014 finding no evidence of wrongdoing.

151. In contrast to the Article, Forbes Mexico timely amended the Spanish-language version of the top-ten list to specifically state that the lead investigating unit, Secretaría de la Función Pública (“SFP”), had in May 2014 determined that Sota had not illicitly enriched herself while she was a public official.

152. In sum, no reporter—particularly Ms. Estevez, given her knowledge of Ms. Aristegui’s hostility towards Ms. Sota—could have included Ms. Sota on a list of the most corrupt Mexicans without knowledge of falsity or, at a minimum, reckless disregard of the truth.

Forbes’ Control Over Publication Of The Article And the Updated Article

153. The Article and Updated Article are perceived to be authorized and approved by Forbes, and upon information and belief Forbes in fact authorized and approved the Article and the Updated Article.

154. As one news account summarized, “In the eyes of many, Forbes Magazine—and not the opinion of a blogger—confirmed the accusations against Alejandra Sota.”

155. Forbes posted the Article on the front page of the Forbes.com website, selecting it as one of the “Top Stories” over a number of days. The Article was also listed as one of the “Most Popular” posts on the Forbes.com website.

156. Before Forbes decided to post the Article as one of the “Top Stories” on the front page of the Forbes.com websites, Forbes checked or should have checked the Article more carefully, and therefore discovered that the Article was false.

157. Ms. Sota wrote Forbes in response to the Article, and Forbes checked or should have checked the Updated Article and therefore discovered that the continued representation that Ms. Sota was or was perceived to be one of the ten most corrupt Mexicans in 2013 was false and defamatory.



158. The articles on Forbes.com, including the Article, are written specifically for Forbes as part of Forbes's integrated media empire.

159. Forbes exercises extensive control over articles posted on Forbes.com, and it would have and did exercise extensive control over the Article and the Updated Article.

160. Forbes.com contributors such as Ms. Estevez are Forbes's carefully selected agents, whose articles bear Forbes's valuable brand and whose content Forbes controls and develops in close relationship with those contributors.

161. Forbes and Ms. Estevez both held Ms. Estevez out as a writer for Forbes, and Ms. Estevez was widely understood to be a writer for Forbes.

162. Forbes openly admits that the "contributor" model allows it to have a part-time workforce and avoid full-time staff reductions.

163. Forbes's online editor has publicly confirmed the amount of control ("curation") that Forbes exercises over its "contributors," with whom Forbes co-develops Forbes.com.

164. The Article and the Updated Article are both rife with references to editorial control, including the "EDITOR'S NOTE" correcting an error by Ms. Estevez and noting complaints to Forbes made by those ranked on the list (complaints that Forbes.com nowhere suggests are not its legal responsibility).

**Deliberate And Intentional Misconduct By Forbes And Ms. Estevez**

165. In addition to acting with actual malice for purposes of Ms. Sota's claims, Forbes and Ms. Estevez acted deliberately and intentionally in a way that warrants an award of punitive damages in favor of Ms. Sota.

166. The Article was a hit piece of the worst sort, a kind of "most wanted" list of what was essentially Mexico's most corrupt political criminals, and the Updated Article is nothing more than an updated and re-published hit piece.

167. Publication of the Article was an intentional act of revenge on a woman who had expressed disagreement with MVS and who was associated with an administration that had refused to provide MVS with a low-price renewal deal for a spectrum license.

168. The Article was rife with material nondisclosures. Those materials nondisclosures included, among other things, Ms. Estevez's long relationship with MVS and association with Ms. Aristegui and the longstanding animus toward Ms. Sota as a result of the public dispute involving MVS and Ms. Aristegui.

169. The Article and the Updated Article are particularly outrageous given the nature of the accusations and the knowledge by Forbes and Ms. Estevez that the Article would destroy Ms. Sota's reputation and that the Updated Article will continue to harm Ms. Sota.

170. It had been reported that Ms. Sota was working as a consultant, and both Ms. Estevez and Forbes knew or should have known that publication of the Article and then the Updated Article would cause severe harm to Ms. Sota.

171. The Article was timed (upon information and belief, knowingly) to interrupt Ms. Sota's attempt to transition from public service into starting a consulting business.

172. Ms. Estevez and Forbes published the Article in part because they thought they could get away with it, and that there would be no consequences. The Calderón administration had ended, and they thought it was unlikely that Ms. Sota would actually pursue any lawsuit in response to the Article.

173. Ms. Estevez and Forbes included Ms. Sota in the Article to make the Article more sensational. Having been identified as one of the most influential Mexicans in 2012, Ms. Estevez and Forbes sought to publish a sensational and false claim that Ms. Sota had fallen to being one of the most corrupt Mexicans by 2013.

174. Forbes rewards sensationalism by its contributors, such as Ms. Estevez, who are paid based on traffic to their Forbes.com pages.

175. The continuing publication of the Article by Forbes and Ms. Estevez until December 15, 2014 with no mention of the outcome of the SFP investigation— finding no evidence of any wrongdoing by Ms. Sota – is also outrageous, and caused serious harm to Ms. Sota.

176. The current publication of the Updated Article by Forbes and Ms. Estevez is also outrageous given that there is now, unambiguously, no basis whatsoever to name Ms. Sota, and yet the Updated Article continues to do so.

177. Including a person on a list, published and read around the world, of the “Most Corrupt” individuals on the basis of that person’s attending a Harvard graduate program without having completed an undergraduate degree is reprehensible, especially where the Harvard website makes clear that an undergraduate degree is not required.

178. On December 18, 2013, Ms. Sota posted a letter on her Twitter page in which she questioned Ms. Estevez’s reporting and her motives. Ms. Estevez turned to MVS to disseminate a reply.

179. On December 23, 2013, Ms. Sota gave Forbes notice that her placement on the list and inclusion in the Article was false and defamatory. Forbes acknowledges that letter in the Article, but Forbes has taken no steps to issue a correction other than to publish the Updated Article, nor have Forbes or Ms. Estevez even bothered to communicate with Ms. Sota.

180. In May 2014, the SFP closed its investigation of Ms. Sota—an investigation that included her husband and family—after finding no evidence of wrongdoing by Ms. Sota. The SFP confirmed publicly that they had found no evidence of any wrongdoing by Ms. Sota.

181. Until December 15, 2013, the Article contained no update or clarification noting SFP’s findings, and it still does not clarify the fact that the Harvard Mason Program does not require an undergraduate degree, and it still falsely identifies Ms. Sota as one of the ten most corrupt Mexicans in 2013.

**Harm To Ms. Sota From The False And Defamatory Forbes Article And Updated Article**

182. As a direct and proximate result of the malicious publication of the Article and the Updated Article by Forbes and Ms. Estevez, Ms. Sota has suffered and continues to suffer substantial harm, including but not limited to harm to her name, reputation, and business.

183. The harm to Ms. Sota from the Article was particularly acute because Ms. Sota was attending Harvard at the time that Forbes and Ms. Estevez published the Article, where Ms.



Sota was seeking to make new professional and personal connections.

184. The Article caused Ms. Sota to suffer public contempt, disgrace, and ridicule. For example, after Forbes and Ms. Estevez published the Article, Ms. Sota was shunned by Harvard classmates and some of her existing communications consultancy clients became unwilling to be publicly associated with her.

185. The comments to the Article confirm the intense animosity expressed toward Ms. Sota as a result of the Article. One commenter wrote: "These pigs belong in prison for the rest of there [sic] lives." Another commenter wrote that the individuals identified in the Article "should be on the list of the DEA's most wanted RATS of all times [sic] for being the most dangerous murderers and thieves who have injured my beautiful country ...." Other commenters referred to the ten listed individuals as "a bunch of parasites," "white collar criminals," and "selfish, greedy, foolish and obviously insane people."

186. The Article also caused Ms. Sota to suffer mental pain and anguish.

187. Every time a potential client searches for Ms. Sota by name on a reputable search engine, the Article was among the top results, and the Updated Article is now among the top results.

188. Forbes is read by many people in the business community, and the Article harmed Ms. Sota's ability to obtain clients, and the Updated Article will continue to harm Ms. Sota in the future. One person commented on the Article: "As an American doing business in Mexico I appreciate the information."

189. The Article has irreparably injured Ms. Sota in her profession, and the Updated Article will continue to do so in the future. The Article caused Ms. Sota to go from being identified as one of the most influential Mexicans in 2012 to being labeled one of the most corrupt Mexicans of 2013.

190. The fact that Ms. Sota was working as a consultant had been publicly reported on a number of occasions before publication of the Article, and Forbes and Ms. Estevez knew or should have known that Ms. Sota had business relationships and prospective business



relationships that would be harmed by publication of the Article and the Updated Article.

191. The Article destroyed Ms. Sota's reputation, in Mexico, the United States, and elsewhere, and the Updated Article will further destroy her reputation. Ms. Sota's reputation had been critical for her ability to expand relationships with existing clients and form relationships with new clients, including without limitation public figures such as governors, agencies within the federal government, and the private sector.

192. The harm to Ms. Sota caused by the Article and the Updated Article is especially pronounced given Forbes' prominence and reputation. Forbes is known for publishing reliable lists based on objective criteria, which led to an unfounded and incorrect reliance on the accuracy of the Article and widespread circulation and discussion of the Article, and will continue to do so in connection with the Updated Article.

193. There were other publications (including by Forbes Mexico) of the top-ten listing from the Article without identifying Ms. Estevez as the author of the original list, which further emphasized Forbes' prominence and reputation in connection with the listing.

194. The severe harm to Ms. Sota resulting from the Article and the Updated Article is ongoing, because Forbes and Ms. Estevez have made the Article and now the Updated Article available on the Forbes.com website continuously since the original publication on December 16, 2013.

195. The Article has been viewed hundreds of thousands of times. As of December 14, 2014, according to Forbes.com, the Article had been viewed more than 500,000 times and there were 149 comments to the Article, including in English and in Spanish.

196. Forbes and Ms. Estevez sought to increase the distribution of the Article by posting links to the Article on Twitter, which were then re-tweeted hundreds of times by others, and also through other means such as television appearances.

197. Almost a year after the first publication, there are still regularly posts regarding the Article. For example, in the first two weeks of December 2014, there were multiple posts on Twitter with links to the Article, causing further distribution of the Article.

198. On December 16, 2013 and afterwards, the Article was discussed in many television and radio programs, including CNN, Noticias MVS, and Noticieros Televisa.

199. Ms. Estevez was interviewed by Ms. Aristegui regarding the Article the day after its publication, on December 17, 2013, and that program was broadcast in Mexico with thousands or millions of viewers.

200. The Article and the accusation that Ms. Sota was one of the most corrupt Mexicans in 2013 were also widely published by other means, including by email. As a result, the Article has been viewed many more times than the view-count on the Forbes.com website.

201. The Article has also been repeated and discussed in on-line news reports, internet blogs and message boards, and other internet sources.

202. As a direct and proximate result of Forbes's and Ms. Estevez's conduct set out above, Ms. Sota has suffered and continues to suffer substantial damages to her name, reputation, and business.

203. Ms. Sota continues to suffer additional harm due to her inclusion in the Article and the Updated Article, and that harm is heightened due to Forbes' and Ms. Estevez's decision to not update the Article until December 15, 2014 to note that the SFP investigation concluded there was no evidence Ms. Sota did anything wrong.

#### **FIRST CAUSE OF ACTION**

##### **(Defamation – Against all Defendants)**

204. Ms. Sota repeats and realleges, as if set forth herein, the allegations of all the preceding paragraphs.

205. Defendants published the Article and the Updated Article, which listed Ms. Sota as one of "The 10 Most Corrupt Mexicans of 2013."

206. Defendants published the Article and the Updated Article on the internet, on information and belief, through or on servers in New York.

207. The Article and the Updated Article were substantially false with respect to Ms. Sota. Ms. Sota was not, and was not perceived to be, one of the ten most corrupt Mexicans in

2013.

208. Defendants published the Article and the Updated Article with knowledge of its falsity or serious doubt about its truth.

209. Identifying Ms. Sota as one of and/or as perceived to be one of the ten most corrupt Mexicans of 2013 was a defamatory statement in that it exposed her to public hatred, contempt, ridicule, and disgrace. The Article and Updated Article were also defamatory in that it tended to discredit Ms. Sota in her profession.

210. Based upon Defendants' false representations in the Article and the Updated Article, Ms. Sota's personal reputation, business reputation, and goodwill have been damaged. This has included damage in connection with Ms. Sota existing and potential clients and others who read or heard about the defamatory statements.

211. The false representations made in the Article and the Updated Article have injured Ms. Sota in her profession, trade, business, and personal reputation, by falsely claiming that she was and/or was perceived to be one of the ten most corrupt Mexicans of 2013.

212. As a direct and proximate result of Defendants' actions, Ms. Sota has suffered and will continue to suffer damages in an amount to be proved at trial.

213. In doing the things herein alleged, Forbes and Ms. Estevez acted willfully, with malice, in conscious disregard of Ms. Sota's rights, and with intent to cause injury to Ms. Sota. Ms. Sota is therefore entitled to punitive or exemplary damages in an amount appropriate to punish Defendants and to deter others from engaging in similar misconduct.

## **SECOND CAUSE OF ACTION**

### **(Intentional Infliction of Emotional Distress – Against Ms. Estevez)**

214. Ms. Sota repeats and realleges, as if set forth herein, the allegations of all the preceding paragraphs.

215. By publishing the Article on the respected Forbes.com website and thereby falsely impugning Ms. Sota's reputation and subjecting Ms. Sota to contempt within her social and

professional community, Ms. Estevez's conduct toward Ms. Sota was both extreme and outrageous.

216. By including Ms. Sota on a list of the ten most corrupt Mexicans of 2013 without justification and as an act of revenge, Ms. Estevez intentionally caused, or disregarded a substantial probability of causing, Ms. Sota severe emotional distress.

217. The publication of the Article caused Ms. Sota severe emotional distress.

### **THIRD CAUSE OF ACTION**

#### **(Intentional Interference with Prospective Business Relations – Against Ms. Estevez)**

218. Ms. Sota repeats and realleges, as if set forth herein, the allegations of all the preceding paragraphs.

219. By reason of her substantial good will and personal and business reputation, Ms. Sota enjoyed numerous prospective future economic relationships and contracts with various third parties, including, for example business relationships with public figures such as governors, agencies within the federal government, and the private sector. These future economic relationships would have provided Ms. Sota with substantial revenue and profits.

220. Ms. Estevez was aware of Ms. Sota's prospective future economic relationships, including with public figures such as governors, agencies within the federal government, and the private sector, and the potential economic advantage they would provide Ms. Sota.

221. Ms. Estevez's actions, as described more fully above, were designed to interfere with these relationships and Ms. Sota's future economic advantage.

222. As a result of publication of the Article, these economic relationships did not form, and Ms. Sota lost and continues to lose substantial revenue and profit.

223. As a direct result, Ms. Sota has been damaged and will continue to be harmed in an amount to be established at trial. These damages include, but are not limited to, lost profits and fees from third party contracts and/or other lost economic opportunity.

224. Ms. Estevez's conduct was fraudulent, oppressive and in conscious disregard of



Ms. Sota's rights. Accordingly, Ms. Sota is also entitled to an award of punitive damages.

#### **FOURTH CAUSE OF ACTION**

##### **(Negligent Interference with Prospective Business Relations – Against Ms. Estevez)**

225. Ms. Sota repeats and realleges, as if set forth herein, the allegations of all the preceding paragraphs.

226. By reason of her substantial good will and personal and business reputation, Ms. Sota enjoyed numerous prospective future economic relationships and contracts with various third parties, including, for example business relationships with public figures such as governors, agencies within the federal government, and the private sector. These future economic relationships would have provided Ms. Sota with substantial revenue and profits.

227. Ms. Estevez was aware of Ms. Sota's prospective future economic relationships, including with public figures such as governors, agencies within the federal government, and the private sector, and the potential economic advantage they would provide Ms. Sota.

228. Ms. Estevez knew or should have known that her actions, as described more fully above, would interfere with these relationships and Ms. Sota's future economic advantage.

229. As a result of publication of the Article, these economic relationships did not form, and Ms. Sota lost and continues to lose substantial revenue and profit.

230. As a direct result, Ms. Sota has been damaged and will continue to be harmed in an amount to be established at trial. These damages include, but are not limited to, lost profits and fees from third party contracts and/or other lost economic opportunity.

231. Defendants' conduct was fraudulent, oppressive and in conscious disregard of Ms. Sota's rights. By reason thereof, Ms. Sota is also entitled to an award of punitive damages.

**DEMAND FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

1. An award against all Defendants for all damages sustained as a result of Defendants' defamatory publication;
2. An award against all Defendants of punitive damages;
3. Injunctive relief, including but not limited to removing the false and defamatory Article from the website; and
4. Other relief as the Court deems just and proper.

Dated: December 16, 2014  
New York, New York

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## EXHIBIT 1

12/15/2014

The 10 Most Corrupt Mexicans Of 2013 - Forbes

**Forbes**<http://onforb.es/18MkZsd>**Dolia Estevez** Contributor*I cover Mexico's billionaires, politics and U.S.-Mexico relations*

Opinions expressed by Forbes Contributors are their own.

LISTS 12/16/2013 @ 2:40PM | 514,891 views

## The 10 Most Corrupt Mexicans Of 2013

[Comment Now](#)

Alarming levels of corruption in government, the judiciary and law-enforcement, earned Mexico the 2013 title of one of the two most corrupt countries in Latin America, according to the [Global Corruption Barometer](#) released in July by [Transparency International](#), an anti-corruption nonprofit group. Mexico [shares its rank](#) with Argentina.

In the group's Global Corruption Barometer of 2013, Mexico's political parties, police, legislature and judiciary were perceived as the most corrupt, with 91%, 90%, 83% and 80% negative views on corruption. The report, which is based on a survey of 114,000 people in 107 countries, offers a warning that the abuse of power, secret dealings and bribery continue to ravage societies around the world. In Mexico corruption cases are rarely prosecuted.

*Elba Esther Gordillo (Photo credit: Wikipedia)*

A serious drag on Mexico's development and a significant obstacle to Mexico achieving a functional democracy, corruption has long been a part of the country's political culture. Carlos Hank González, the deceased founder of the powerful *Grupo Atlacomulco*, which masterminded Enrique Peña Nieto's run for president, once said: "A politician that is poor is a poor politician." For many Mexican politicians, his motto became the Bible.

The following is a list of the 10 Mexicans perceived to be among the most corrupt in 2013. I appreciate the input received from colleagues and academics during the process of compiling this list.



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**Elba Esther Gordillo** Former teacher's union leader known as *La Maestra* (the Teacher) was charged in February with embezzling \$200 million from union funds to pay for her [lavish lifestyle](#). She is notorious for her \$5,000 Hermes bags and expensive plastic surgeries in California clinics. Three residences connected to Gordillo have been identified in California. The main one, where the now jailed teacher spent most of her time, is a \$4.7 million house on a cul-de-sac in Coronado Cays that features a private dock with a boat and jet ski.

**Carlos Romero Deschamps** is the powerful Pemex workers union leader and one of the most notorious PRI members long suspected of influence-peddling for [personal enrichment](#). Paulina Romero, his daughter, [displays on Facebook](#) her travels around the world in private jets –accompanied by her three English bulldogs *Keiko*, *Boli* and *Morgancita*– her voyages on yachts, dining in first class restaurants and sporting \$12,000 Hermes luxury bags. Her brother drives a \$2 million limited edition red Enzo Ferrari sport car, a gift from their father, whose trade union monthly salary is \$1,864. Romero Deschamps, a federal senator, is reported to have a “cottage” in Cancun with a value close to \$1.5 million. According to political analyst [Denise Dresser](#), in 2011 he received \$21.6 million for “aid to the union executive committee” and \$15.3 million from union dues. My “hands are clean,” Romero Deschamps claims. The Peña Nieto administration seems to agree. He is not under investigation.

**Raúl Salinas de Gortari** is largely responsible for destroying his brother Carlos Salinas de Gortari's presidential legacy by becoming a [symbol of corruption](#) and impunity. Raúl spent ten years in jail convicted of a high-profile political homicide, but was acquitted in 2005. In July, a Mexican judge [exonerated him](#) on the final charge pending against him of “unlawful enrichment” and ordered \$19 million dollars deposited in twelve bank accounts and 41 properties be returned to him. The decision [outraged Mexicans](#). It was perceived as one more proof of [abuse of power](#) by Mexican elites.

**Genaro García Luna** was the powerful Secretary of Public [Security](#) (SSP) under the Calderón Administration. With the biggest budget assigned to his department and a blank check from Calderón, García Luna was the most feared cabinet member. His tenure was marked by an excess of spending for self-promotion and [abuse of power](#) scandals exposed by the Mexican press. In her book [Narcoland: The Mexican Drug Lords and their Godfathers](#), award-winning journalist Anabel Hernandez links García Luna with the country's top drug capos, including [Joaquín “El Chapo” Guzmán](#), leader of the Sinaloa Cartel. García Luna allegedly [threatened to have Hernandez killed](#). In 2012, convicted drug kingpin Edgar “La Barbie” Valdez Villareal claimed that García Luna had been on the payroll of drug trafficking groups

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for ten years. The Peña Nieto Administration dissolved the SSP. [García Luna has not been seen](#) since he left office in 2012. He is believed to be living in Miami but reporters have [not been able to find him](#). There is no known investigation against him in Mexico or the U.S.

*UPDATE Dec. 18:* Genaro García Luna broke his one-year self-imposed silence in a December 17 letter to Steve Forbes to say that the “value judgments” about him in this article “are lies and they lack journalistic rigor.” He charges that the “source on which they are based is false.” The “source” he seems to be referring to is the book [Narcoland: The Mexican Drug Lords and their Godfathers \(Verso 2013\)](#), by award-winning Mexican journalist Anabel Hernandez. In the letter to Steve Forbes, the man in charge of conducting the bloody war on drugs during the Calderón administration lists medals and merits bestowed upon him by world governments and international organizations as proof of the results of his public performance. He claims that what he describes as “disinformation and discrediting campaigns” against him are due to his having “hurt drug trafficking and kidnapping structures” in Mexico.

García Luna’s “clarification letter” was reprinted in various Mexican media on Tuesday, hours after being sent to Forbes, under headlines such as [García Luna, who has more than a year without appearing, accuses Forbes of lying and says he is not corrupt.” \]](#)

**Andrés Granier**, former PRI governor of Tabasco, was arrested by Mexican federal law-enforcement in June on charges of corruption, embezzlement, tax evasion and money laundering. In a taped conversation leaked to the media, Granier bragged about owning 400 pairs of shoes, 300 suits and 1,000 shirts, bought from luxury stores in New York and Los Angeles. His yearly salary as governor was \$92,000. His successor discovered that \$190 million was missing from state coffers. He was also indicted by the Tabasco authorities. He denies any wrongdoing.

**Tomás Yarrington** is a former PRI governor of Tamaulipas. He was [indicted in early December](#) on racketeering and money laundering charges in Texas. Yarrington allegedly took large bribes from major drug trafficking groups in Tamaulipas, including the Gulf Cartel, in return for letting them operate freely during his administration (1999-2004). Yarrington’s lawyers say that the charges are based on false accusations by people trying to bargain with U.S. prosecutors. The U.S. has not asked Mexico for his arrest and extradition. His whereabouts are unknown.

**Humberto Moreira** is the former PRI governor of Coahuila state. During his administration (2005-2011), [the debt of the state](#) increased from [\\$27 million to \\$2.8 billion](#), creating the state’s worst financial crisis in history. The debt scandal forced [Moreira’s resignation](#) first as governor and later as



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[head of the PRI](#). Jorge Torres López, who took over as an interim governor, [was charged](#) with conspiracy to launder money and [other financial crimes](#) in Texas in November. [Moreira](#) has not been charged. He is living with his family in an upscale neighborhood in Barcelona, Spain, while earning a masters degree.

*Update Dec. 23:* In a letter to Forbes following publication of this post, counsel for Humberto Moreira denied that his client was involved in any corruption scandal and requested that he be removed from this list.

*Update January 3, 2014:* In a letter to Dolia Estevez, Christian F. Zinser Cieslik, attorney for Humberto Moreira, demanded that his client be removed from this list, that the author contact everybody who has reproduced this post and ask them to amend it, and that the author reveal the methodology used to compile the list. Steve Zansberg, counsel for Dolia Estevez at Levine Sullivan Koch & Schulz, LLP, informed Mr. Zinser that she has declined his demands. Both letters are appended here:

[Letter from Humberto Moreira's counsel.](#)

[Letter from the law firm representing Dolia Estevez.](#)

**Fidel Herrera**, former PRI governor of Veracruz. Under his administration (2004-2010) the Zeta cartel's criminal activities thrived. Allegations about his connections to the Zetas [emerged during a trial](#) in April in Texas. An FBI agent testified that [Francisco Colorado Cessa](#), a contractor for Mexico's state oil company Pemex, acted as an intermediary between Herrera and a founding member of the Zetas. Colorado Cessa was convicted. Herrera allegedly was bribed into allowing the Zetas to operate freely. Herrera has denied the allegations and is not under investigation in Mexico. There are unconfirmed reports that he may be sent as ambassador to Greece.

**Arturo Montiel**, former Mexico state PRI governor, uncle of Peña Nieto and member of the *Grupo Atlacmulco*, is accused by French citizen Maudi Versini, his former wife, of [kidnapping their three children](#). Versini, who has custody over the children, claims that [justice has been manipulated](#) by her ex-husband to prevent her from seeing them. Montiel dropped out of the 2005 presidential race following allegations of millionaire mansions and bank transactions in Mexico and France. He is not under investigation.

**Alejandra Sota**, former President Calderon's spokesperson, is being [investigated by Mexican authorities](#) for alleged embezzlement and trafficking of influence. She is suspected of favoring friends and former classmates with government contracts during the time she served as a top government official. She is currently attending graduate school at Harvard's Kennedy School even though she has no [college degree](#).

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The 10 Most Corrupt Mexicans Of 2013 - Forbes

*Update Dec. 23:* In a letter to Steve Forbes following publication of this post, Alejandra Sota objected to being included among the ten most corrupt Mexicans of 2013 and asked for a clarification on what is said about her in this article.

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*EDITOR'S NOTE: This post refers to Mexico's ranking on Transparency International's Global Corruption Barometer, issued in July. It does not refer to Mexico's ranking on Transparency International's [2013 Corruptions Perceptions Index](#), released in early December, in which Venezuela was ranked as Latin America's most corrupt country.*

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## EXHIBIT 2

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**Forbes**<http://onforb.es/18MkZsd>**Dolia Estevez** Contributor*I cover Mexico's billionaires, politics and U.S.-Mexico relations*

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LISTS 12/16/2013 @ 2:40PM | 514,969 views

## The 10 Most Corrupt Mexicans Of 2013

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Alarming levels of corruption in government, the judiciary and law-enforcement, earned Mexico the 2013 title of one of the two most corrupt countries in Latin America, according to the [Global Corruption Barometer](#) released in July by [Transparency International](#), an anti-corruption nonprofit group. Mexico [shares its rank](#) with Argentina.



Elba Esther Gordillo (Photo credit: Wikipedia)

In the group's Global Corruption Barometer of 2013, Mexico's political parties, police, legislature and judiciary were perceived as the most corrupt, with 91%, 90%, 83% and 80% negative views on corruption. The report, which is based on a survey of 114,000 people in 107 countries, offers a warning that the abuse of power, secret dealings and bribery continue to ravage societies around the world. In Mexico corruption cases are rarely prosecuted.

A serious drag on Mexico's development and a significant obstacle to Mexico achieving a functional democracy, corruption has long been a part of the country's political culture. Carlos Hank González, the deceased founder of

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the powerful *Grupo Atlacomulco*, which masterminded Enrique Peña Nieto's run for president, once said: "A politician that is poor is a poor politician." For many Mexican politicians, his motto became the Bible.

The following is a list of the 10 Mexicans perceived to be among the most corrupt in 2013. I appreciate the input received from colleagues and academics during the process of compiling this list.

**Elba Esther Gordillo** Former teacher's union leader known as *La Maestra* (the Teacher) was charged in February with embezzling \$200 million from union funds to pay for her [lavish lifestyle](#). She is notorious for her \$5,000 Hermes bags and expensive plastic surgeries in California clinics. Three residences connected to Gordillo have been identified in California. The main one, where the now jailed teacher spent most of her time, is a \$4.7 million house on a cul-de-sac in Coronado Cays that features a private dock with a boat and jet ski.

**Carlos Romero Deschamps** is the powerful Pemex workers union leader and one of the most notorious PRI members long suspected of influence-peddling for [personal enrichment](#). Paulina Romero, his daughter, [displays on Facebook](#) her travels around the world in private jets –accompanied by her three English bulldogs *Keiko*, *Boli* and *Morgancita*– her voyages on yachts, dining in first class restaurants and sporting \$12,000 Hermes luxury bags. Her brother drives a \$2 million limited edition red Enzo Ferrari sport car, a gift from their father, whose trade union monthly salary is \$1,864. Romero Deschamps, a federal senator, is reported to have a "cottage" in Cancun with a value close to \$1.5 million. According to political analyst [Denise Dresser](#), in 2011 he received \$21.6 million for "aid to the union executive committee" and \$15.3 million from union dues. My "hands are clean," Romero Deschamps claims. The Peña Nieto administration seems to agree. He is not under investigation.

**Raúl Salinas de Gortari** is largely responsible for destroying his brother Carlos Salinas de Gortari's presidential legacy by becoming a [symbol of corruption](#) and impunity. Raúl spent ten years in jail convicted of a high-profile political homicide, but was acquitted in 2005. In July, a Mexican judge [exonerated him](#) on the final charge pending against him of "unlawful enrichment" and ordered \$19 million dollars deposited in twelve bank accounts and 41 properties be returned to him. The decision [outraged Mexicans](#). It was perceived as one more proof of [abuse of power](#) by Mexican elites.

**Genaro García Luna** was the powerful Secretary of Public [Security](#) (SSP) under the Calderón Administration. With the biggest budget assigned to his department and a blank check from Calderón, García Luna was the most feared cabinet member. His tenure was marked by an excess of spending for



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self-promotion and [abuse of power](#) scandals exposed by the Mexican press. In her book [Narcoland: The Mexican Drug Lords and their Godfathers](#), award-winning journalist Anabel Hernandez links García Luna with the country's top drug capos, including [Joaquín "El Chapo" Guzman](#), leader of the Sinaloa Cartel. García Luna allegedly [threatened to have Hernandez killed](#). In 2012, convicted drug kingpin Edgar "La Barbie" Valdez Villareal claimed that García Luna had been on the payroll of drug trafficking groups for ten years. The Peña Nieto Administration dissolved the SSP. [García Luna has not been seen](#) since he left office in 2012. He is believed to be living in Miami but reporters have [not been able to find him](#). There is no known investigation against him in Mexico or the U.S.

*UPDATE Dec. 18:* Genaro García Luna broke his one-year self-imposed silence in a December 17 letter to Steve Forbes to say that the "value judgments" about him in this article "are lies and they lack journalistic rigor." He charges that the "source on which they are based is false." The "source" he seems to be referring to is the book [Narcoland: The Mexican Drug Lords and their Godfathers \(Verso 2013\)](#), by award-winning Mexican journalist Anabel Hernandez. In the letter to Steve Forbes, the man in charge of conducting the bloody war on drugs during the Calderón administration lists medals and merits bestowed upon him by world governments and international organizations as proof of the results of his public performance. He claims that what he describes as "disinformation and discrediting campaigns" against him are due to his having "hurt drug trafficking and kidnapping structures" in Mexico.

García Luna's "clarification letter" was reprinted in various Mexican media on Tuesday, hours after being sent to Forbes, under headlines such as [García Luna, who has more than a year without appearing, accuses Forbes of lying and says he is not corrupt.](#) ]

**Andrés Granier**, former PRI governor of Tabasco, was arrested by Mexican federal law-enforcement in June on charges of corruption, embezzlement, tax evasion and money laundering. In a taped conversation leaked to the media, Granier bragged about owning 400 pairs of shoes, 300 suits and 1,000 shirts, bought from luxury stores in New York and Los Angeles. His yearly salary as governor was \$92,000. His successor discovered that \$190 million was missing from state coffers. He was also indicted by the Tabasco authorities. He denies any wrongdoing.

**Tomás Yarrington** is a former PRI governor of Tamaulipas. He was [indicted in early December](#) on racketeering and money laundering charges in Texas. Yarrington allegedly took large bribes from major drug trafficking groups in Tamaulipas, including the Gulf Cartel, in return for letting them operate freely during his administration (1999-2004). Yarrington's lawyers



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say that the charges are based on false accusations by people trying to bargain with U.S. prosecutors. The U.S. has not asked Mexico for his arrest and extradition. His whereabouts are unknown.

**Humberto Moreira** is the former PRI governor of Coahuila state. During his administration (2005-2011), [the debt of the state](#) increased from [\\$27 million to \\$2.8 billion](#), creating the state's worst financial crisis in history. The debt scandal forced [Moreira's resignation](#) first as governor and later as [head of the PRI](#). Jorge Torres López, who took over as an interim governor, [was charged](#) with conspiracy to launder money and [other financial crimes](#) in Texas in November. [Moreira](#) has not been charged. He is living with his family in an upscale neighborhood in Barcelona, Spain, while earning a masters degree.

*Update Dec. 23:* In a letter to Forbes following publication of this post, counsel for Humberto Moreira denied that his client was involved in any corruption scandal and requested that he be removed from this list.

*Update January 3, 2014:* In a letter to Dolia Estevez, Christian F. Zinser Cieslik, attorney for Humberto Moreira, demanded that his client be removed from this list, that the author contact everybody who has reproduced this post and ask them to amend it, and that the author reveal the methodology used to compile the list. Steve Zansberg, counsel for Dolia Estevez at Levine Sullivan Koch & Schulz, LLP, informed Mr. Zinser that she has declined his demands. Both letters are appended here:

[Letter from Humberto Moreira's counsel.](#)

[Letter from the law firm representing Dolia Estevez.](#)

**Fidel Herrera**, former PRI governor of Veracruz. Under his administration (2004-2010) the Zeta cartel's criminal activities thrived. Allegations about his connections to the Zetas [emerged during a trial](#) in April in Texas. An FBI agent testified that [Francisco Colorado Cessa](#), a contractor for Mexico's state oil company Pemex, acted as an intermediary between Herrera and a founding member of the Zetas. Colorado Cessa was convicted. Herrera allegedly was bribed into allowing the Zetas to operate freely. Herrera has denied the allegations and is not under investigation in Mexico. There are unconfirmed reports that he may be sent as ambassador to Greece.

**Arturo Montiel**, former Mexico state PRI governor, uncle of Peña Nieto and member of the *Grupo Atlacamilco*, is accused by French citizen Maudi Versini, his former wife, of [kidnapping their three children](#). Versini, who has custody over the children, claims that [justice has been manipulated](#) by her

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ex-husband to prevent her from seeing them. Montiel dropped out of the 2005 presidential race following allegations of millionaire mansions and bank transactions in Mexico and France. He is not under investigation.

**Alejandra Sota**, former President Calderon's spokesperson, is being investigated by Mexican authorities for alleged embezzlement and trafficking of influence. She is suspected of favoring friends and former classmates with government contracts during the time she served as a top government official. She is currently attending graduate school at Harvard's Kennedy School even though she has no college degree.

*Update Dec. 23:* In a letter to Steve Forbes following publication of this post, Alejandra Sota objected to being included among the ten most corrupt Mexicans of 2013 and asked for a clarification on what is said about her in this article.

*Update Dec. 15, 2014:* On May 29 2014, Alejandra Sota, former President Calderon's spokesperson, was cleared by Mexico's Department of Public Performance of "illicit enrichment" while she was a high level official under de Calderón Administration. After an investigation into how she increased her assets while being a public servant, the now defunct agency said that her estate was consistent with her income.

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